

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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DANIEL R. GEHMAN	:	
And LYNNA K. GEHMAN,	:	BANKRUPTCY NO. 18-11930 ref
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Debtors.	:	
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NOTICE OF OBJECTION TO CLAIM AND HEARING DATE

The Debtor, DANIEL R. AND LYNNA K. GEHMAN (the “Debtors”), have filed an Objection to Proof of Claim No. 17 filed by LAKEVIEW LOAN SERVICING, LLC/ M & T BANK (the “Objection”).

Your claim may be reduced, modified or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one. (If you do not have an attorney, you may wish to consult an attorney.)

If you do not want the court to eliminate or change your claim, you or your attorney must attend the hearing on the Objection scheduled to be held before **The Honorable Richard E. Fehling December 20, 2018 at 9:30 a.m. in Courtroom No. 1, United States Bankruptcy Court, The Madison Building, 400 Washington Street, Reading Pennsylvania 19106.** If you or your attorney do not attend the hearing on the Objection, the court may decide that you do not oppose the Objection to your claim.

RESPECTFULLY SUBMITTED,

By: /s/ Alaine V. Grbach
ALAINE V. GRBACH, ESQUIRE
675 Estelle Drive
Lancaster, PA 17601
(717)898-8402
COUNSEL TO THE DEBTORS

Dated: November 13, 2018

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<hr/>	:	CHAPTER 13
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DANIEL R. GEHMAN		
And LYNNA K. GEHMAN,	:	BANKRUPTCY NO. 18-12576
Debtors. .	:	
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**ORDER SUSTAINING OBJECTION OF
DANIEL K. AND LYNNA K. GEHMAN, DEBTORS,
TO PROOF OF CLAIM NO. 17-1 FILED
BY LAKEVIEW LOAN SERVICING, LLC/ M & T BANK**

AND NOW, upon consideration of the Objection (the “Objection”) of Debtors, DANIEL R. AND LYNNA K. GEHMAN, to Proof of Claim No. 17-1 filed by LAKEVIEW LOAN SERVICING, LLC/ M & T BANK and after notice and hearing; it is hereby

ORDERED, that the Objection is **SUSTAINED**; and it is further;

ORDERED, that the Proof of Claim No. 17-1 filed by LAKEVIEW LOAN SERVICING, LLC, on behalf of M & T BANK is hereby **ALLOWED** as a secured claim in the amount of \$165,761.27, and that the amount necessary to cure any default as of the date of the Petition is \$18,537.42.

BY THE COURT:

HONORABLE RICHARD E. FEHLING,
CHIEF UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
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Debtors.	:	
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**OBJECTION OF DEBTORS, TO PROOF OF
CLAIM NO. 1 BY LAKEVIEW LOAN SERVICING, LLC/ M & T BANK**

DANIEL R. and LYNNA K. GEHMAN (the “Debtors”) by and through his counsel, Alaine V. Grbach, , hereby objects (the “Objection”) to Proof of Claim No. 1 (the “Proof of Claim”) filed by LAKEVIEW LOAN SERVICING, LLC/ M & T BANK (“M & T”) and in support thereof, respectfully avers as follows:

JURISDICTION

1. This Court has jurisdiction over this Objection pursuant to 28 U.S.C. §1334. This matter is a core proceeding within the meaning of 28 U.S.C. §1513(b)(2)(A), (B) and (O).
2. The statutory basis for the relief requested herein is Fed.R.Bankr.P. 30013 and Local Rule of Bankruptcy Procedure 30013-1.

BACKGROUND

3. On March, 2018 (the “Petition Date”), the Debtors filed a voluntary petitions for relief pursuant to Chapter 13 of Title 11, United States Code (the “Bankruptcy Code”).
4. On September 10, 2018, M & T filed the Proof of Claim in the amount of \$170,773.58

RELIEF REQUESTED AS TO THE PROOF OF CLAIM

6. M & T bases its Claims on duly perfected first lien and mortgage on Debtors' residence located at 775 Sylvan Road, Lancaster PA 17601.

7. As the M & T claim indicates, a component of the Proof of Claim is pre-petition fees and costs in the amount of \$5,012.31.

8. On or about February of 2017, Debtors became delinquent on their mortgage obligation to M & T.

9. Debtors' mortgage delinquency was due to the birth of their youngest child, which required Debtor Wife to take unpaid maternity leave.

10. M & T did provide Debtors with notice of the right to cure, and, within the deadlines required by M & T Debtors did obtain a loan from their 401k to cure all mortgage arrears.

11. Debtors did visit the local M & T Branch to deliver certified funds, to cure all arrears, but their payment was refused.

12. Debtors were directed, by M & T, to wire the funds, necessary to cure all arrears, to their corporate offices.

13. Debtors repeatedly attempted to wire said funds to M & T, using M & T's instructions, without success.

14. Both Debtors are gainfully employed, and had sufficient funds to service their mortgage debt.

15. Once the cure period expired, M & T did file a Complaint in Mortgage Foreclosure as to Debtors' residence.

16. Debtors continued to use their best efforts to cure mortgage arrears and make mortgage payments going forward, but all payments offered by Debtors were refused by M & T.

17. Debtors maintain that the contract between the parties required M & T to accept Debtors' funds offered to cure all arrears, and had M & T accepted such funds, no pre-petition costs or fees would have been incurred by M & T.

18. Your Debtor now prays that the M & T Claim No. 17 be reduced by the sum of \$5,012.31, representing M & T's fees and cost incurred as a result of the mortgage foreclosure.

RESERVATION OF RIGHTS

19. The Debtors expressly reserve the right to amend, modify or supplement this Objection. Additionally, the Debtor expressly reserves the right to respond to any allegation or defense that may be raised in a response filed by or on behalf of M & T and further objects to any claim for which M & T provides (or attempts to provide) additional documentation or substitution. Should one or more of the grounds of objection stated in this Objection be overruled, the Debtor reserves the right to object to the Proof of Claim on any other grounds that bankruptcy or non-bankruptcy law may permit.

20. The Objection and Notice of the Objection and Hearing Date have been served upon (i) the Office of the United States Trustee, (ii) M & T, and (iii) all parties who have requested notice pursuant to Fed.R.Bankr.P. 2002. The Debtors submit that no further or other notice need be provided.

WHISEFORE, the Debtor respectfully requests that this Honorable Court (a) sustain the Objection and (b) grant such other and further relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED,

By: /s/ Elaine V. Grbach
ELAINE V. GRBACH, ESQUIRE
675 ESTELLE DRIVE
LANCASTER PA 17601
(717)898-8402

Dated: November 13, 2018.

